

REMARKS

Claims 1-19 are pending. Claim 1 is the main independent claim.

Claims 1, 2, 4, 5, 8, 10 and 11 are rejected as unpatentable over Ray, U.S. 5,012,824.

Main claim 1 has been amended to add the feature “so that at least one conveyor can be displaced together with said self-supporting bearing structure”. Support for this feature is found in Paragraph [0029] of U.S. 2006/0096432 application.

Applicant agrees that Ray presents all the main parts of a cutting machine. However, applicant submits that as set forth in claim 1 the invention is not a matter of a mere reversal of the essential working parts of the cutting machine of Ray. It is a matter of a novel functionality of known assemblies (a main frame feeding-compacting arrangements) that involves safety and ergonomics of the new machine operation. With the novel feature of coupling the transporting device with a self-supporting bearing structure defined by guides preferably located above the head level of a person who would service the machine to retract the transporting device the following advantages are obtained:

1. The rotating cutterhead drum has to be maintained and serviced very frequently, usually a few times a day. No other machine on the market, including the one in Ray, enables easy and safe access to both sides of the cutting drum, i.e., an operator has to climb/jump onto the frame between the guides to get into the space between the cutterhead drum and the transporting device.

In Ray access is difficult/impossible due to the slide rails on which the cutter carriage 20 moves that extend from floor to approximately 1m in height. In daily practice, the sliding rails are there, but their functionality is limited and present significant obstacles to gaining access to both the feed transport and the cutting head assemblies from a location between the cutting head and the transporting device.

Providing extensive access space for the operator to service the assemblies is unique as accomplished by the subject invention, and so is the way it is obtained, i.e., that decreased weight of the transporting device enables displacing. That is, the transport assembly is light as compared to the body that contains the cutting head so that it can be moved more easily. In the machine of the

subject invention it is not necessary to move aside, backwards, or swing the extremely heavy cutterhead drum.

2. The cutting machine shown in Ray is impractical and extremely difficult to service in daily use because of its design.

It should be noted that agricultural organic material, especially tobacco, being fed on a belt above the carriage transport rails of the machine of Ray will always fall on the rails when the cutter carriage is opened, i.e., moved when in service mode. Simple operation of opening the cutter, i.e., creating access space (P) between the drum and the feed transporting device inevitably results in polluting the rails with pieces of tobacco. In the present invention, there are no rails on which tobacco pieces can fall. Other standard cutting machines dealing with the discontinuous, dusty product also spreads all over the place the discharged product, which imposes necessity of cleaning prior to putting assemblies in operating position.

In the machine of the invention, the access space (P) allows direct access from floor level both to the cutter drum and to the transporting device. This design provides ergonomics and safety of operators that are novel. Applicant submits that such approach is a novelty itself. Also, the cutting machine of the invention allows immediate assembly of the drum and the transporting device during servicing, thereby resulting in increasing productivity due to much shorter down time on the machine.

Accordingly, claim 1 defines novel and advantageous subject matter that is neither shown nor suggested in Ray. Therefore, this claim is patentable and should be allowed.

The other claims of this application all depend from claim 1 and add further novelty to the invention. For example, as to the subject matter of claim 4 that sets forth the conveyor belts, in any other cutters known in the tobacco industry the transporting devices comprise only modular chains which are extremely heavy. Using endless belts, which are not made of metal and are very light, makes it easy to displace the transporting device. Decreasing the weight allows for the feature of the transporting device being movable.

Accordingly, claims 1, 2, 4, 5, 8, 10 and 11 patentably distinguish over Ray and should be allowed.

Claims 3, 9 and 13 are rejected as being unpatentable over Ray in view of Ray, U.S. 5,040,549, which is cited to show a vibrating plate. In Ray '549 there is a vibrating tray 21 below the lower run of the bottom conveyor belt. The tray is used to collect droppings of the tobacco. In the present invention, the vibrating plates 20a, 20b and 20c are below the top run working surface of the main (lower) conveyor. They serve to compact the tobacco on the belt working surface before it is fed to the cutterhead.

Accordingly, claims 3, 9 and 13 define further novelty for the invention and should be allowed.

Claims 12 and 19 are rejected as unpatentable over Ray '824. As to claim 12, applicant agrees that any height of the guides could be selected. The feature of the height as set forth in claim 12 is unique although it may seem to be obvious to the Examiner. It is necessary to apply this feature in order to create an access area for the operator. It would not be ergonomic for the operator to bend his head every time when getting inside or outside the area. Neither would it be ergonomic when placing the guides at any lower level.

As to claim 19, in Ray '824 the product being processed is to be collected to a collector (not shown in the drawings), located in between the supporting legs, actually under the roller 32. Novelty resides in the concept of the cutting machine of the application in that it allows every service/maintenance operation to be carried out from outside the aforementioned collector. In other words, either in operation mode or in service mode, the machine of the subject application does not allow any foreign bodies to fall into the collector because the collector is located under the fixed frame of the rotating drum. This is a vital feature for the machine as foreign bodies may fall into the collector with the cut product. This feature is highly appreciated by users of the machine and it is unattainable by Ray '824. Therefore, claims 12 and 19 also are patentable and should be allowed.

The remaining claims of the application are rejected over Ray '824 and a secondary reference. These claims define further novel features of the invention that are obtainable based on the structure of the machine as set forth in main claim 1. The addition of any one of the secondary

references does not cure the basic defect of Ray as discussed relative to main claim 1. Therefore, these claims also should be allowable.

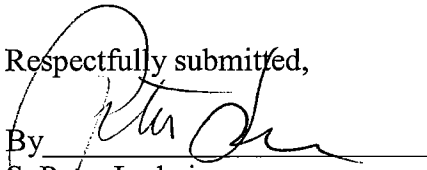
The amendment should be entered since it clearly places the application in condition for allowance. It does not raise any new issues.

If the amendment is not entered as placing the application in condition for allowance, then its entry is requested for purposes of appeal.

Prompt and favorable action is requested.

Dated: November 6, 2008

Respectfully submitted,

By 
S. Peter Ludwig

Registration No.: 25,351
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant